



ATTORNEY DOCKET NO. T2073-00014

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Patent Application of:

Ian Charles Ogilvy Confirmation No.: 9976

Serial No.: 10/585,133 Art Unit No.: Unknown

Filing Date: January 12, 2002 Examiner: Unknown

**TITLE: IMPROVED APPARATUS FOR REMOTE PAYMENT TRANSACTIONS**

**Petition Under 37 C.F.R. 1.47(b)**

**Mail Stop Petition**

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

Sir:

As the assignee of the entire right, title and interest in U.S. Patent Application No. 10/585,133, CardSoft, Inc. respectfully petitions pursuant to 37 C.F.R. § 1.47(b) to act on behalf of an inventor who cannot be found or reached after diligent effort. Pursuant to the requirements of 37 C.F.R. § 1.47(b), CardSoft submits the following documents in support of this petition:

- (i) A declaration under 37 C.F.R. § 1.63 and 1.64 executed by Mr. Donald Sweet, president of CardSoft, Inc.;
- (ii) A statement under 37 C.F.R. § 3.73(b) establishing the right of CardSoft, Inc. to act on behalf of named inventor Ian Charles Ogilvy;
- (iii) A declaration of relevant facts by Andrew Smyth of CardSoft, Inc. showing that inventor Ian Charles Ogilvy cannot be found or reached after diligent effort; and
- (iv) The petition fee set forth in 37 C.F.R. § 1.17.

In addition, CardSoft, Inc. states the following in support of this petition under 37 C.F.R. § 1.47(b):

1. The relationship of CardSoft, Inc. to Ian Charles Ogilvy is that CardSoft, Inc. is the sole assignee of the entire right, title and interest in U.S. Patent Application No. 10/585,133 naming Ian Charles Ogilvy as the sole inventor.

2. This petition is accompanied by proof that Ian Charles Ogilvy, the named inventor, cannot be found or reached after diligent effort.

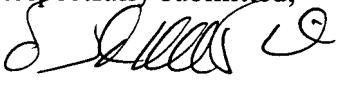
3. The last known address of Ian Charles Ogilvy was:

Suite 306, 39 East Esplanade  
Manly, New South Wales,  
Australia 2095

4. CardSoft, Inc. has made a *prima facie* case that the invention has been assigned to it, by virtue of the attached statement under 37 C.F.R. § 3.73 and copies of the relevant assignment documents.

5. The filing of this application is necessary to preserve the rights of the parties and to prevent irreparable damage.

I further declare that all statement made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code.

Respectfully submitted,  
  
Donald R. McPhail  
Reg. No. 35,811

Duane Morris LLP  
1667 K Street, N.W.  
Suite 700  
Washington, DC 20006

**Date: April 18, 2007**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Patent Application of:

Ian Charles Ogilvy

Confirmation No.: 9976

Serial No.: 10/585,133

Art Unit No.: Unknown

Filing Date: January 12, 2002

Examiner: Unknown

**TITLE: IMPROVED APPARATUS FOR REMOTE PAYMENT TRANSACTIONS**

**DECLARATION OF RELEVANT FACTS**

**Mail Stop Petition**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

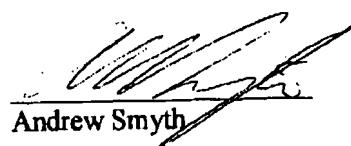
I, Andrew Smyth, hereby declare:

1. Ian Charles Ogilvy is the sole named inventor in the above-subject patent application.
2. Ian Charles Ogilvy is no longer an employee, officer or director of CardSoft Inc. or its predecessor CardSoft International.
3. The last known address of Ian Charles Ogilvy is:  
  
Suite 306, 39 East Esplanade  
Manly, New South Wales, Australia 2095
4. I have firsthand knowledge of the following facts relating to the efforts to contact Ian Charles Ogilvy.
5. Neither I, nor anyone else at CardSoft, has had any contact with Ian Charles Ogilvy since 2001.
6. When Mr. Ogilvy left CardSoft in 2001, he left no forwarding address. We had heard through third parties that Mr. Ogilvy was working with a company called Keycorp in Australia; however, he never acknowledged any communications sent to him at Keycorp. Sometime later, possibly in 2003, we heard that he left Keycorp. There have been no confirmed sightings of or contact with Mr. Ogilvy since that time

7. On at least 4 occasions since 2001, we have written to all shareholders of CardSoft including Mr. Ogilvy. In the absence of any correct or forwarding address, we had resorted to sending any communication for Ian Ogilvy care of his aged mother, who lived at Coffs Harbour, a small town in northern New South Wales, Australia. In each communication, we invited Mr. Ogilvy to confirm/update their contact details. We never received any response from Ian Charles Ogilvy or his mother. As such we do not know whether the Coffs Harbour address is still valid, or even if Mrs. Ogilvy is still alive (I met her in 2000, and she must have been late 70s at that time).

8. I further declare that all statement made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code.

Respectfully submitted,



Andrew Smyth

Date: April 17, 2007